Chapter 3:
Emerging Issues

Source: Martin J. Simane

A number of possible state and federal policy and regulatory changes could have a significant impact on the future of Wisconsin's railroads. Three issues are briefly discussed in this chapter. Although it is premature to know what impact these issues may ultimately have, it is important to monitor their development.

Commuter rail

Commuter rail refers to passenger rail service that operates between and within metropolitan and suburban areas, connecting those areas with large business and/or urban centers. Commuter rail service usually operates during peak travel times with limited stops, and usually operates in conjunction with other transit modes as part of a regional transit system. Commuter rail service operates primarily on existing railroad tracks.[20]

Five commuter rail corridor studies have recently been conducted. These studies include the following:

- Dane County/Greater Madison Metropolitan Area–Transport 2020.
- Kenosha–Racine–Milwaukee Transportation Corridor Study.
- Rock County–Harvard, IL to Clinton, WI Metra Commuter Rail Extension Study.
- Walworth–Fox Lake Corridor Commuter Rail and Bus Service Feasibility Study.
- Burlington–Antioch Corridor Commuter Rail and Bus Service Feasibility Study.

All potential commuter rail routes except Dane County's are envisioned as extensions of Chicago's Metra commuter rail system.

Developing commuter rail systems is an issue that has moved to the forefront of transportation planning in Southeastern Wisconsin and Dane County. The issue is addressed in Governor Jim Doyle's 2003–2005 budget, which includes the following language … "WisDOT

shall administer a commuter rail transit system development grant program. The amount of a grant awarded shall be limited to an amount equal to 50% of the portion of the project cost in excess of the federal aid funding for the project, or 25% of the total project cost, whichever is less."

An appropriation of $400,000 was approved to fund commuter rail studies during the budget period. Prior funding had already been secured for the Dane County commuter rail project planning efforts.

As these projects move from the planning phase to the potential implementation phase, WisDOT needs to initiate the process of examining the issues surrounding possible state participation in commuter rail system operating expenses.

Locomotive horns at roadway/railway crossings

The sounding of locomotive whistles or horns at roadway/railway crossings has been a safety issue since the late 1800s. With the growth of urban areas, "quiet zones" have been established in response to complaints and concerns about the volume and frequency of train horns. Municipalities across the country, including 35 in Wisconsin, have enacted local ordinances or agreements with railroads to establish quiet zones banning the sounding of train horns entirely or during evening hours.

In 1984, the state of Florida enacted legislation to allow communities to ban the non-emergency use of locomotive horns during nighttime hours at crossings equipped with flashing lights, gates and special signs. By 1990, over 500 crossings in Florida were affected by horn bans. The Federal Railroad Administration (FRA) expressed concern about a dramatic increase in collisions at roadway/railway crossings during ban hours and began studying the safety impacts of horn bans. Subsequent FRA

Source: WisDOT Bureau of Planning

studies indicated a 58% greater probability that roadway/railway crossings incidents will occur at crossings where train horns are not sounded.

The FRA proposed a rule that would require a locomotive horn to be sounded while a train is approaching or entering a public roadway/railway crossing. The proposed rule also provides for an exception to this requirement where: (1) there is not a significant risk of loss of life or serious personal injury; (2) use of the locomotive horn is impractical; or, (3) supplementary safety measures fully compensate for the absence of the audible warning provided by the horn.

Implications

If promulgated and adopted as proposed, the rule could have a significant impact. Thirty-five communities in Wisconsin have enacted ordinances banning the sounding of locomotive horns and there are over 700 public roadway/railway crossings in Wisconsin affected by these ordinances.

Implementation of the proposed rule could significantly increase the number of crossing signalization upgrades requested in Wisconsin. If each quiet zone community in the state were to comply, the total estimated cost could exceed $75 million.

Proposal to reduce mercury emissions

In May of 2000, the Wisconsin Department of Natural Resources (DNR) received a citizen petition to adopt rules requiring reductions in mercury emissions from our state's largest known sources of mercury emissions. The targeted emission sources included Wisconsin's 14 coal-powered energy plants.

Coal contains a number of trace elements, including mercury. When coal is burned mercury is released into the air. If airborne mercury comes into contact with water, it can be transformed by aquatic bacteria into methylmercury. Methylmercury can readily enter the food chain and accumulate in animals.

In recent years, methylmercury levels found in some Wisconsin predatory fish and aquatic mammals have been increasing. The rise in methylmercury levels has forced the DNR to increase the number of consumption advisories for fish taken from Wisconsin waterways. Mercury has been associated with both neurological and developmental damage in humans.

In June of 2003, the Wisconsin Natural Resources Board approved a revised mercury emissions reduction rule. In order to comply with the rule, utilities would need to cut mercury emissions by 40% by 2010, and 80% by 2015. These reductions could occur as existing coal-fired equipment is taken out of service and/or replaced with new equipment using improved technology or a different energy source.

The proposed rule contained compliance flexibility. Utilities would have had up to two years to satisfy the annual requirements. A multi-pollutant option was included that would allow relief from the initial reduction requirement of 40% to accommodate those major utilities that needed additional time for comprehensive long-range planning. There was also a clause to obtain a waiver from meeting an annual requirement based on electric supply emergency, fuel supply disruption or other unavoidable events.

In the summer of 2003, the Assembly Natural Resources Committee rejected the proposed regulation and sent it back to DNR for further study. Once a final version of this rule is known, WisDOT will be better able to calculate how this may affect coal shipments to, and through, the state.

Implications

New restrictions on mercury emissions would probably result in Wisconsin energy companies having to choose between installing expensive equipment to remove mercury from coal power plant emissions or switching to other methods of electricity generation.

Coal is Wisconsin's largest rail commodity both for internal state use and as an overhead commodity. Restrictions on its use would greatly impact Wisconsin's railroads. Wisconsin utilities have made a huge investment in coal energy generation and it is unlikely to be easily altered in the short-term. The mercury rule needs to be monitored for its potential long-term impact on the railroad industry.

Source: Thomas E. Johnson